THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15143 OF 2006

ORAL ORDER:

The petitioner is granted licence to run a retail shop under the provisions of the Andhra Pradesh Excise (Lease of Right of Selling by Shop and Conditions of License) Rules, 2005, for the period from 1.7.2006 to 30.6.2008. It is stated that the petitioner has been running the business in the name and style of M/s Krishna Wines, Nellore, in the premises situated at Door No.5/362, Shop No.3A, Chintareddypalem Donka, Nellore. It is alleged that the 3rd respondent herein, made an application to the Deputy Commissioner of Prohibition & Excise, seeking grant of licence to start a Bar and Restaurant under the name and style of M/s Sindhu Bar & Restaurant, in the premises situated at Door No.5/362, Shop Nos.5A & 5C, Chintareddypalem Donka, Nellore, and the respondents 1 and 2 are about to grant the licence as sought by the 3rd respondent. It is further alleged that if any such licence is granted in favour of the 3rd respondent, the same would lead to unhealthy competition among the licensees, since the 3rd respondent proposed to locate M/s Sindhu Bar & Restaurant, just opposite to the petitioner's M/s Krishna Wines. It is also alleged that another Bar & Restaurant by name M/s Swathi Bar & Restaurant, is also located within a distance of 50 meters. Hence, this writ petition seeking a declaration that the action of the respondents 2 and 3 in trying to grant licence to the 3rd respondent to start M/s Sindhu Bar & Restaurant in the premises situated at Door No.5/362, Shop Nos.5A & 5C, Chintareddypalem Donka, Nellore, is arbitrary and illegal.

I have heard the learned counsel for the petitioner, and perused the material on record.

Evidently, the 3rd respondent has not yet been granted any licence to run M/s Sindhu Bar & Restaurant in the premises situated at

Door No.5/362, Shop Nos.5A & 5C, Chintareddypalem Donka, Nellore. May be that the application made by the 3rd respondent is pending, but the apprehension of the petitioner that respondents 1 and 2 would grant licence contrary to the statutory provisions is without any basis. The writ petition is premature and no relief as prayed for can be granted at this stage.

The writ petition is accordingly, disposed of with a direction to the respondents 1 and 2 to act strictly in accordance with law, while considering the application of the 3rd respondent. No costs.

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(G. ROHINI, J.)

24th July, 2006.
Kgr
Issue CC in three days.

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.15143 OF 2006

24th July, 2006.

Between:

Grandhi Narayana Setty. .. Petitioner.

And

The Deputy Commissioner,
Prohibition & Excise, Government of A.P.,
Nellore, Nellore district and two others. .. Respondents.